

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**STEVEN STANSBURY,**  
**Petitioner,**

**v.**

**ROBERT MARSH, et al.,**  
**Respondents.**

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**CIVIL ACTION**

**No. 18-2563**

**ORDER**

**AND NOW**, this 22nd day of January, 2019, upon consideration of the Petition for Writ of *Habeas Corpus* filed by Petitioner Steven Stansbury (Doc. No. 1), the Response to the Petition (Doc. No. 10), the Petitioner's Response to the Respondent's Response (Doc. No. 12), and U.S. Magistrate Judge Elizabeth T. Hey's Report & Recommendation (Doc. No. 13) (the "R&R"), it is **ORDERED** that:

1. The R&R (Doc. No. 13) is **APPROVED** and **ADOPTED**.<sup>1</sup>
2. The Petition for Writ of *Habeas Corpus* (Doc. No. 1) is **DENIED**.
3. There is no probable cause to issue a certificate of appealability.<sup>2</sup>
4. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

/s/ Gene E.K. Pratter

GENE E.K. PRATTER

United States District Judge

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<sup>1</sup> The R&R adequately addresses that Mr. Stansbury's claims are not cognizable under *Stone v. Powell*, 428 U.S. 465 (1976). Mr. Stansbury did not file objections to the R&R, and the time for objections expired on December 11, 2018.

<sup>2</sup> A certificate of appealability may issue only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). The Court concludes that U.S. Magistrate Judge Hey is correct there is no probable cause to issue such a certificate in this action.